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BACKGROUNDER

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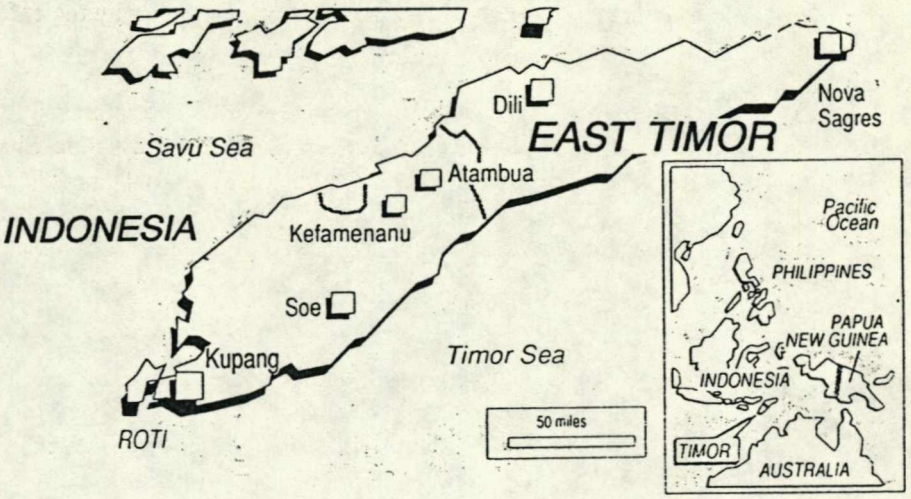
East Timor: the basic facts



When the Iraqi invasion of Kuwait stirred the UN Security Council into adopting a string of resolutions endorsing the use of force to expel the invader, the people of East Timor who have lived under illegal Indonesian occupation for 15 years were baffled. Iraq's invasion of Kuwait was a carbon copy of Indonesia's invasion of East Timor. The Timorese understandably felt bitter that, whereas the UN has endorsed a war against Iraq, it has allowed the Indonesian forces of occupation to remain in East Timor.

Indonesia invaded East Timor on 7 December 1975, tens days after the Democratic Republic of East Timor was proclaimed in Dili, on 28 November. A dozen or so countries recognised this new state but the invasion made it impossible for the State of East Timor to seek membership of the United Nations.

On 22 December 1975, the Security Council unanimously called on "the Government of Indonesia to withdraw without delay all its forces from the Territory". The resolution called on "all States to respect the territorial integrity of East Timor as well as the inalienable right of its people to self–determination in accordance with General Assembly Resolution 1514 (XV)". [Resolution 384/1975] The General Assembly in 1975 and in the following years adopted many resolutions calling on Indonesia to withdraw from East Timor and calling for an act of self–determination. The UN has not recognised Indonesia's integration of East Timor and regards Portugal as the Administering Power. But East Timor is still an occupied country. War still rages and resistance to Indonesian rule is clearly manifest in the towns. The UN has remained on the sidelines, lacking the political will to uphold the UN Charter and lift the burden of occupation and repression from the Timorese.

This Backgrounder on East Timor has been prepared to inform politicians, non–governmental organisations, human rights activists and others in the UK concerned to see the principles of international law upheld in the case of East Timor, and to ensure that due attention is given to a people whose sufferings at the hands of an invader have not been addressed by the world community.

There are six sections:

1. War and resistance in East Timor since 1975.
2. The 1990 military offensive.
3. Western powers and the UN position on East Timor.
4. Human rights violations and the UN human rights machinery.
5. UK policy.
6. The question of oil.

1. *War and resistance in East Timor since 1975*

After the invasion in December 1975, armed resistance prevented the Indonesian armed forces from gaining control over the country until 1979. Indonesia's campaign of encirclement and annihilation (1977–1979) achieved its goal due to substantial supplies from the US in 1976 and 1977 of OV10–Broncos, Lockheed C–130 transport planes, 45 Cadillac Cage V–150 commando armoured equipped with machine–guns, mortar and cannon launchers and a huge quantity of rifles, machine–gun, pistols and communications equipment. This enabled the invaders to devastate areas where the armed resistance and most of the population were holding out. There were huge casualties (an estimated 200,000 deaths in a population of 700,000), cause by heavy bombing and war–related famine and disease. This was followed by the enforced re–settlement of most surviving Timorese in strategic settlements under army control.

Although many armed fighters – including almost the entire leadership – were killed or captured by 1979, Falintil, the armed resistance movement, re–grouped under its present commander, Kay Rala Shanana Gusmao. Since 1980, small bands of Falintil fighters have successfully forged links with people in the strategic settlements as well as in Dili and other towns. By skilfully engaging in mobile guerrilla warfare, the resistance army, **Falintil**, has continued to fight, without any external material support. Army operations in 1981, 1983–1984, 1986–1987 and 1988 failed to defeat the guerrillas.

The Indonesian army keeps a territorial force of about 12,000 troops in East Timor; when special operations are under way, reinforcements usually bring the number to 30,000 or more. The army runs East Timor with a special command structure; at all levels, the civilian administration is penetrated by army personnel. East Timor is a military project; until 1989 it was inaccessible to the outside world. Indonesian rule has been brutal, repressive and racially discriminatory, destroying Timorese culture and customs and turning the economy over to migrant Indonesians and military–run monopolies.

In December 1988, the Suharto government was compelled to allow limited access to the territory, opening it up to a small number of tourists and allowing journalists to visit without special permits. In 1989 and 1990, the army tried to rely on conventional counter–insurgency operations while attempting to win the population over with a "hearts–and–minds" policy. The main purpose was to convince world opinion that East Timor was no longer a security problem and that the population accepted integration.

Though the Pope's visit in October 1989 was intended to confirm that impression, the Papal Mass ended with a pro–independence demonstration which made banner headlines in the world's press. The more cautious security approach was also intended to facilitate a visit to East Timor by a delegation of Portuguese MPs, paving the way for eventual Portuguese and UN endorsement of integration.

But the Timorese have used the slight opening up to demonstrate deep–rooted opposition to their colonial rulers. Since the Pope's visit, there have been two major anti–integration demonstrations (January and September 1990), and clashes between troops and students in the towns. This has led to greater repression – arrests, torture, killings and disappearances. Unarmed resistance in the towns has come to play a prominent role, collaborating closely with armed resistance in the bush.

A call for negotiations

"I would agree to the territory being placed under a UN administration as the first step towards seeking a final solution. I have already stated and will repeat that I am interested in discussing any plan for a solution under the supervision of the UN and under conditions of a ceasefire."
Shanana in an interview with Robert Domm, 27 September 1990.

In September 1990, Robert Domm, an Australian lawyer, succeeded in breaching Indonesian security to meet and interview Shanana Gusmao in the bush. This historic meeting, which seriously embarrassed the

army, would not have been possible without the support of a well-organised clandestine movement linking urban resistance with guerrillas in the bush.

When seven Australian parliamentarians visited East Timor in February 1991, a letter from Shanana was delivered to them through clandestine channels. He called on Australian Prime Minister, Bob Hawke, to arrange peace talks between Falintil and the Indonesians. Foreign Minister, Senator Gareth Evans, in Indonesia for talks about implementing the Timor Gap Treaty (see Section 6 below), without even waiting to read the letter, ruled out any Australian move to mediate a peace settlement.

2. *The 1990 military offensive*

In October 1990, the Indonesian army launched a new offensive in an attempt to surround and capture Shanana. Whereas previously, operations were focused on the eastern part of the country, the present offensive is centred on the districts of Ainaro and Same, southeast of Dili. As clashes and repression were reaching a new peak in Dili during October and November, troop reinforcements consisting of marines, aircraft, helicopters and para-commandos, were brought from the north and the south. On 14 November, troops surrounded what they believed was Shanana's base in Surulao, Ainaro, but he had left the area. A battle ensued during which Falintil claims to have killed dozens of troops, while losing several of its own men.

Although Shanana escaped, crucial documents were seized, along with a cassette recorder, photographs, a type-writer and other equipment. These documents enabled army intelligence to identify links with the clandestine movement in Dili, resulting in a number of arrests in Dili, Maliana, Liquica and elsewhere.

Since November, in addition to the detention in Dili of many students who went into hiding following clashes in October, there have been waves of arrests in other districts east and south of Dili, including government officials and teachers in Liquica, suspected of being in contact with Falintil. Villagers in Suro and Suru Kraik, district of Ainaro, have been rounded up and tortured for celebrating the 15th anniversary of Falintil on 20 August. Students who took refuge in a church in Dili in November were still there in February, not daring to venture out for fear of being arrested.

More arrests followed in January when a member of the local Assembly, till then regarded as pro-integrationist, was taken into custody on 15 or 16 January, followed ten days later by the arrest of a teacher at Sao Jose School in Dili, believed to be one of the key clandestine activists who accompanied Robert Domm on his trip into the interior and acted as his interpreter. The lives of many underground activists are now gravely threatened.

At the very time when the western powers launched all-out war against Kuwait's invader, the Indonesian invader was stepping up the war to crush armed and unarmed resistance in East Timor.

3. *Western powers and the UN position on East Timor*

From 1976 till 1982, the General Assembly adopted annual resolutions on East Timor sponsored by the five former Portuguese colonies in Africa and Portugal. An attempt to send a UN envoy to East Timor in February 1976 was sabotaged by Australia; this was the only effort at positive UN intervention.

The US abstained in 1975 and has consistently voted against East Timor since 1976. Daniel Patrick Moynihan who was US ambassador at the UN during the crucial early years, said later in his memoirs:

> *The US wished things to turn out as they did in East Timor and worked to bring this about. The Department of State desired that the UN prove utterly ineffective in whatever measures it undertook. This task was given to me and I carried it out with no inconsider-able success.*

This is consistent with a report that the US embassy in Jakarta in mid 1975 had been instructed to cut down its reporting on East Timor. "[US ambassador] Newsom's present attitude is that the US should keep out of the Portuguese Timor situation and allow events to take their course. His somewhat cynical remark to me was that if Indonesia were to intervene, the US would hope they would do so 'effectively, quickly, and not use our equipment'." [Cable to Canberra from Australian ambassador, Richard Woolcott, 17 August 1975]

With few exceptions, West European countries, including the UK, have abstained. Australia, the first western power to give *de facto* then *de jure* recognition to Indonesia's annexation, voted for East Timor in 1975, abstained in 1976 and 1977 and has voted against ever since.

Most western and eastern bloc countries have not been prepared to risk damaging economic relations with Indonesia by supporting the principle of self-determination for East Timor. By 1982, support for East Timor at the General Assembly had declined. In November 1982, resolution 37/30 was adopted by 50 votes to 46; it instructed the Secretary General

> *to initiate consultations with all parties directly concerned with a view to exploring avenues for achieving a comprehensive settlement of the problem and report thereon to the General Assembly at its 39th session.*

However, only Portugal and Indonesia have been consulted. Secretary General Peres de Cuellar has ignored demands for representatives of the East Timorese people to be consulted. Since 1982, he has yearly informed the General Assembly that consultations between Portugal and Indonesia "are continuing". In fact, they are deadlocked: Indonesia refuses to allow the issue of self-determination to be raised, Portugal fears a breakdown in the negotiations while other countries have taken no initiative to rescue the issue from the quagmire of inaction. As a result, no further resolutions have been tabled and the General Assembly has been silenced.

Since 1985, consultations between Portugal and Indonesia have concentrated on negotiating the terms for a visit to East Timor by a group of Portuguese MPs. Although diplomatic disagreements have kept the two sides apart, the main stumbling block is that the forces of occupation know that such a visit would provoke anti-Indonesian demonstrations and rallies calling on Portugal to press the UN for an internationally-supervised referendum.

On 6 February, 1989, Bishop Belo, head of the Catholic Church in East Timor called on the UN Secretary General, Peres de Cuellar, to conduct a plebiscite.

> *Hitherto the people have not been consulted. Others speak in the name of the people. Indonesia says that the people have already chosen but the people of Timor themselves have never said this. Portugal wants to let time solve the problem. And we continue to die as a people and a nation.*

The Secretary General has, to this day, ignored Bishop Belo's plea.

4. Human rights violations and the UN human rights machinery

Violations of all kinds have been the bitter experience of the Timorese for the past 15 years. Besides arrest, torture and disappearances in the urban centres, people in the strategic settlements, already subjected to forced displacement from their native villages, are denied freedom of movement and prevented from cultivating food beyond narrow boundaries. Many people have been shot dead for straying beyond these boundaries on the pretext that they are making contact with the guerrillas.

Amnesty International has regularly published reports about East Timor. In the latest report issued in January 1991, it says it

remains concerned about a continuing pattern of serious violations described in its August 1990 statement, persistent reports of extrajudicial executions, the systematic use of torture against political detainees by members of the security forces, hundreds of unresolved cases of 'disappearances' and the continuing imprisonment of at least 10 alleged supporters of Fretilin sentenced in trials which Amnesty International believes were not fair. Amnesty International is increasingly concerned about a pattern of short-term detention, ill-treatment and torture of alleged political opponents of Indonesian rule in East Timor which has gained additional momentum since August.

Both Amnesty and Asia Watch have been refused permission to visit East Timor.

The UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, composed of independent experts, has adopted resolutions condemning the human rights situation in East Timor, most recently at its meetings in 1989 and 1990. But its parent body, the UN Human Rights Commission, composed of state missions, has lacked the political will to act on the Sub-Commission's recommendations by adopting a resolution of its own. In 1990, Indonesia got itself elected onto the Commission and will do everything possible to prevent it from adopted any resolution about East Timor.

5. *UK policy*

The UK has throughout abstained at the UN General Assembly on East Timor to avoid offending either Portugal or Indonesia. The only clear expression of official British attitude came in a leaked cable from the British ambassador in Jakarta to the Foreign Office in July 1975:

The territory seems likely to become steadily more of a problem child and the arguments in favour of integration into Indonesia are all the stronger.... Certainly as seen from here, it is in Britain's interest that Indonesia should absorb the territory as soon and as unobtrusively as possible, and that if it comes to the crunch and there is a row in the United Nations, we should keep our heads down and avoid taking sides against the Indonesian Government.

In April 1978, under a Labour Government and when Indonesia's encirclement and annihilation campaign was at a climax and lives were being lost on an unprecedented scale, British Aerospace announced a deal to sell eight Hawk ground attack aircraft to Indonesia. The government ignored pressure from the labour movement to revoke its licence for this deal. Since then, British arms manufacturers, aided and encouraged by the Thatcher Government, have concluded many deals with Indonesia which is now BAe's main customer outside the Middle East. The Indonesian armed forces have acquired twenty Hawk aircraft, three naval frigates, £340 million worth of Rapier missiles, Seawolf missile launchers, 5 battery command post processor systems, MRNS 9000 marine radar and navigation simulators, plus training and technological transfer for Indonesia's aerospace industry, IPTN. BAe funded the construction of a College of Technology for the armed forces in East Java costing £3 million. The UK is currently pushing to sell Tornados to Indonesia [Tornados are produced by Panavia, a joint venture of BAe and Italian and German manufacturers]. A multi-million pound deal, possibly with BAe, is believed to be pending.

The standard response to protests about the sale of war equipment to Indonesia is that it can be justified "when sold to meet legitimate defence needs.... We pay particular attention to the human rights record of the country concerned and do not agree to the supply of equipment which, in our judgement, is likely to be used for internal repression." [Letter on the sale of surface vessels to the Indonesian Navy from Douglas Hurd to Timothy Raison, MP, 3 April 1990.]

Foreign Office Minister Lord Reay told the House of Lords on 5 February 1991 that "there is no evidence that British military items sold to Indonesia have been used in East Timor". The government refuses to acknowledge that *any* equipment sold to Indonesia reinforces its attack capability against insurgency, that much of the equipment sold is very suitable for use in East Timor and that when military operations are being conducted, it is virtually impossible to know whether British-made equipment is being used.

6. *The question of oil*

Huge reserves of oil have been discovered off the south coast of East Timor. Negotiations between Australia and Portugal to exploit these reserves in 1972 came to nothing after discord over the sea boundary between Australia and the Portuguese colony. Five months before the Indonesian invasion, Australia's ambassador in Jakarta reminded the Department of Minerals in Canberra to pay attention to the Timor situation:

> *...this Department might well have an interest in closing the present gap in the agreed sea border and this could be much more readily negotiated with Indonesia than with Portugal or independent Portuguese Timor. I know I am recommending a pragmatic rather than a principled stand but that is what national interest and foreign policy is all about.*

In October 1976, Australia and Indonesia began negotiations to establish the sea-bed boundary. Two years later, Australia gave *de jure* recognition to Indonesia's integration of East Timor as the preliminary to finalising a sea-bed accord and exploiting the off-shore oil.

Seismic survey work by oil companies had highlighted the petroleum potential. Located in the Gap was a geological structure known as a *Kelp*, the largest structural closure known on the Australian continental shelf and reputedly the largest undrilled structure of its kind in the world. A 1977 study by Elf Aquitaine spoke about hopes for "an extremely large discovery", with forecasts of between one and seven billion barrels of oil.

It took ten years for Jakarta and Canberra to reach agreement, delayed because bilateral relations were far from smooth. There was strong public opposition in Australia to integration, and relations worsened after the publication in Australia of a damning article about Suharto's business interests.

The Timor Gap Treaty signed in December 1989 assured Australia a hugely profitable expansion of petroleum output with lucrative investment prospects for the major petroleum companies.

Canberra does not deny either that Indonesia's annexation of East Timor was illegal or that it was acquired by force:

> *We have taken the view since 1979 that whatever the unhappy circumstances and indeed, possible illegality, surrounding Indonesia's acquisition of East Timor in the 1970s, Indonesian sovereignty over the territory should be accepted not only on a de facto basis but on a de jure basis. There is no binding legal obligation not to recognise acquisition of territory that was acquired by force.* [Foreign Minister, Senator Gareth Evans, Senate Daily Hansard, 1 November 1989.]

Australia's unprincipled decision taken even *before* Indonesia invaded and annexed East Timor was crucial in influencing western attitudes; it contributed substantially to the lack of political will at the UN to defend East Timor against a brutal predator.

Whereas in the case of Kuwait, it was in western interests to prevent Iraq from seizing one of the world's most profitable oil resources, in the case of East Timor's oil, western interests worked the other way, favouring the invader against the victim.

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